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FISCAL IMPACT STATEMENT

LS 6178

BILL NUMBER: SB 15

NOTE PREPARED: Nov 7, 2006

BILL AMENDED:

SUBJECT: Statute of Limitations.

FIRST AUTHOR: Sen. Ford

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill extends the statute of limitations for prosecuting certain child molesters to the date on which the victim turns 31 years of age. (Current law provides a five-year statute of limitations.) It also provides that a prosecution for certain Class A felony sexual crimes may be brought at any time.

Effective Date: July 1, 2007.

Explanation of State Expenditures: Child molesting involves any type of sexual activity with a child who is younger than 14 years of age. The criminal penalties depend on the type of activity, the age of the offender, and whether the sexual act was forced or consensual.

This bill makes two changes to the current time limits of prosecuting child molesting crimes.

First, under current law, defendants accused of engaging in Class A child molesting involving either sexual intercourse or deviate sexual conduct must be prosecuted before a victim reaches 31 years of age. As proposed, there would be no time limit for prosecution. There would be no change in the time limit for a Class B child molesting felony, which is currently before a victim reaches 31 years of age.

Second, under current law, the time limit for prosecuting a Class C child molesting felony is 5 years after commission of an offense or within one year of discovery of evidence. As proposed, the statute of limitations for prosecuting a Class C child molesting act would increase to the date on which a victim reached 31 years of age. There would be no change in the time limit when fondling or touching was performed as a forcible act, which is currently any time.

The following table illustrates the time limit for prosecuting child molesting offenses under current statute and the proposed changes by this bill.

Proposed Changes in Statute of Limitations for Child Molesting				
Time Limit for Prosecution				
<u>Section</u>	<u>Offense</u>	<u>Provison</u>	<u>Current Law</u>	<u>Proposed</u>
IC 35-42-4-3(a)	Sexual intercourse or deviate sexual conduct	Class B felony	Before victim reaches 31 years of age	No change
		Class A felony*		Anytime
IC 35-42-4-3(b)	Fondling or touching	Class C felony	Within 5 years after commission of offense or within 1 year of discovery of evidence	Before victim reaches 31 years of age
		Class A felony**		Any time
* If forcible act or if committed by a person at least 21 years of age				
** If forcible act				

If convictions occur due to these new prosecutions, more offenders may be incarcerated. The average expenditure to house an adult offender was \$22,743 in FY 2006.

If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists on the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

Explanation of State Revenues:

Explanation of Local Expenditures: The costs associated with this bill will depend on how often evidence concerning unsolved child molesting cases becomes available and also how often prosecuting attorneys decide to prosecute child molesting cases at some future point. The criminal defendant may also wish to have evidence preserved from a crime scene analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant, or by the county if the defendant is indigent.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police

Local Agencies Affected: Trial courts, prosecuting attorneys.

Information Sources:

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